

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1323 of 2019**

1. Ajay Kumar Prasad @ Ajay Kumar Gupta @ Sahu S/o Shri Durga Prasad Gupta @ Sahu Aged About 36 Years Caste Sundi, R/o Village Torar, Thana-Senha, District- Lohardaga, Jharkhand
2. Abhishek Kumar S/o Late Goverdhan Sao Aged About 24 Years R/o Village Patan Semri, Thana-Patan, District- Palamu, Jharkhand ---
Petitioners

Versus

State of Chhattisgarh through the Police Outpost Lawan, Outpost-Lavan, Police Station- Kasdol, District- Balodabazar-Bhatapara, Chhattisgarh.
--- Respondent

For the applicants	:	Mr. Deepak Jain Advocate.
For the Respondent	:	Mr. Chandresh Shrivastava, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri**Order on Board****05.03.2019**

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicants in connection with Crime No. 249/2016 registered at Police Outpost Lawan, P.S. Kasdol, Distt. Baloda Bazar-Bhatapara (C.G) for the offences punishable under Sections 294, 506, 307/34 of IPC.
2. As per the prosecution case, on 30.06.2016 injured Topram along-with his friend had gone to wine shop and wanted to talk to the Manager and on such issue the altercation started. Thereafter, the injured came back, sat in the *Dhabha*, at that time co-accused Dinesh who is manager of the wine-shop along-with the applicants came and assaulted Topram and Lakhan by way of club, as a result of which, they sustained injuries which were sufficient to cause death.

3. Learned counsel for the applicant submits that other similarly placed accused Dinesh Singh has been enlarged on bail by this Court on 07.12.2016 in M.Cr.C.No.7744 of 2016 and the case of the present applicant is also on similar footing. He further submits that the charge sheet has been filed, no further investigation would be necessary and the applicant No.1 is in jail since 01.02.2019 and applicant No.2 is in jail since 07.02.2019 and further the injury report also do not show that any fracture was caused and it purports only swelling, therefore, the applicants may be enlarged on bail.
4. Per contra, learned State Counsel opposes the bail application. However he is unable to dispute the fact that similarly placed accused has been enlarged on bail by this Court.
5. Considering the fact that the co-accused Dinesh Singh has been enlarged on bail by this Court and further considering the injury reports of Topram and Lakhan which do not show that any fracture was caused on the persons of injured, I am inclined to allow this bail application.
6. Accordingly, the bail application is allowed and the applicants are directed to be released on bail on each of them executing a personal bond in sum of Rs.25,000/- with one local surety each in the like sum to the satisfaction of the concerned trial Court for their appearance before the said Court as and when directed.

C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**